

ORIGINAL



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RECEIVED

Anthony B. Bingham  
Law Office of Anthony B. Bingham, P.C.  
1423 South Higley Road  
Building 4, Suite 110  
Mesa, Arizona 85206  
(480) 832-1922 Telephone  
AZ Bar Number: 014732

2004 AUG -9 P 3: 32

AZ CORP COMMISSION  
DOCUMENT CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

In the Matter of )  
)  
LONZO ARCHER )  
1512 Plymouth Road )  
North Brunswick, NJ 08902 )  
)  
)  
Respondent. )

Docket No. S-3557A-04-0000

MOTION AND CONSENT OF  
LOCAL COUNSEL FOR  
PRO HAC VICE ADMISSION OF  
MICHAEL KALMUS

Arizona Corporation Commission

DOCKETED

AUG 09 2004

DOCKETED BY

*[Signature]*

The above-named attorney, pursuant to Rule 33(c) and (d) Rules of the Supreme Court, moves the Arizona Corporation Commission to admit Michael Kalmus as counsel pro hac vice in this action.

Pursuant to Rule 33(d)3(c) Rules of the Supreme Court, the following exhibits are attached hereto:

1. the original Verified Application;
2. the original Certificate(s) of Good Standing; and
3. the State Bar of Arizona Notice of Receipt.

The filing fee as required by Rule 33(d) has been submitted to the State Bar of Arizona. Anthony Bingham hereby agrees to serve as designated local counsel for the subject case. A proposed order admitting Michael Kalmus accompanies this motion.

DATED this 21<sup>st</sup> day of August, 2004.

*[Signature: Anthony B. Bingham]*  
Anthony B. Bingham

1 Original and \_ copies hand-delivered  
2 this 9th day of August, 2004, to:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington  
6 Phoenix, AZ 85007

7 A copy of the foregoing was hand-delivered  
8 this 9th day of August, 2004, to:

9 Michelle M. Allen, Esq.  
10 Arizona Corporation Commission  
11 Securities Division  
12 1300 West Washington Street, Third Floor  
13 Phoenix, Arizona 85007

14 Marc E. Stern  
15 Administrative Law Judge  
16 1200 West Washington Street  
17 Phoenix, Arizona 85007

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25  
  
Anthony B. Bingham

## EXHIBIT 1



For Official Use Only

App# 1001247

Pro Hac ID # P1521661

**NONRESIDENT ATTORNEY  
PRO HAC VICE APPLICATION**

Name: Michael Kalmus  
Residence Address: 946 Ridgewood Road Millburn, New Jersey 07041  
Office Address: 850 Third Avenue New York, New York 10022

Telephone: 212-940-9252

Fax: 212-826-9738

Title of cause or case where applicant seeks to appear: In the Matter of Lonzo Archer

Docket Number: S-3557A-04-0000

Court, Board, or Administrative Agency: Arizona Corporation Commission

Party on whose behalf applicant seeks to appear: Respondent Lonzo Archer

Courts to Which Applicant Has Been Admitted:

New Jersey

New York

Georgia

\_\_\_\_\_  
\_\_\_\_\_

Date of Admission:

1991

1981

1980

\_\_\_\_\_  
\_\_\_\_\_

Bar Number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant ☐ is / ☒ is not (**select one**) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where  
Discipline Matter Pending:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nature of Matter  
Under Investigation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name / Address of  
Disciplinary Authority:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant ☐ has / ☒ has not (**select one**) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 33, Arizona Rules of Supreme Court in the following:

Title of Matter:

None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Docket #:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Court or Agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application Granted? (Y/N)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of local counsel: Anthony Bingham  
State Bar of Arizona Number: 014732  
Address: 1423 South Higley Road, Building 4, Suite 110, Mesa, Arizona 85206

Telephone : 480-832-1922

Fax: 480-924-4147

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
<u>Lonzo Archer</u>	<u>Michael Kalmus</u>	<u>850 Third Avenue New York, New York 10022</u>
<u>AZ Corporation</u>	<u>Michelle M. Allen</u>	<u>1300 West Washington Street Phoenix, Arizona 85007</u>
<u>Comission</u>		
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$369.75.

This case or cause ☐ is / ☒ is not (**select one**) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

#### Verification

STATE OF NEW YORK)  
County of NEW YORK) ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: 7/27/04

Applicant's signature

Michael Kalmus

SUBSCRIBED AND SWORN TO before me this 27<sup>th</sup> day of July, 2004 by  
MICHAEL KALMUS

Name of Applicant

Meryl Kalmus  
Notary Public

**MERYL KALMUS**  
Notary Public, State of New York  
No. 01KA6096813  
Qualified in New York County  
Commission Expires August 11, 2007

## EXHIBIT 2

Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department

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I, Catherine O'Hagan Wolfe, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**MICHAEL KALMUS**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on the 10th day of March, 1981 has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

July 20, 2004

Catherine O'Hagan Wolfe

Clerk

# STATE BAR OF GEORGIA



Mr. Michael Kalmus  
Michael Kalmus P.C.  
850 Third Avenue, 14th Floor  
New York, NY 10022

**CURRENT STATUS:** Inactive Member

**DATE OF ADMISSION TO PRACTICE:** 06/16/1980

**Attorney Bar Number:** 406234

**Today's Date:** July 23, 2004

Listed below are the disciplinary actions, if any, which have been taken against this member:

Supreme Court Docket #	State Disciplinary Board Docket #	Disposition
NA	NA	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions (either by exam or on motion)
- Sworn in to the Superior Court in Georgia
- Enrolled with the State Bar of Georgia which is an arm of the Supreme Court of Georgia

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subject of such confidential complaints.

This member is currently in "good standing" as that term is defined by State Bar Rule 1-204. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

This document hereby certifies that the above-mentioned individual is a registered member of the State Bar of Georgia and is currently in good standing.

## STATE BAR OF GEORGIA

Toni Peterson  
Official Representative of State Bar of Georgia



# Supreme Court of New Jersey

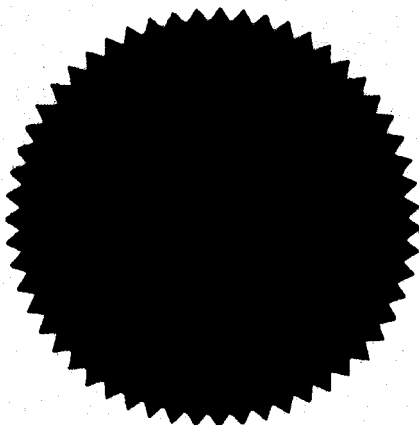


## Certificate of Good Standing

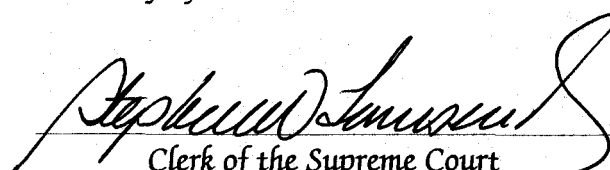
This is to certify that **MICHAEL KALMUS**  
(No. **048211990**) was constituted and appointed an Attorney at Law of New Jersey on **December 20, 1990** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
26TH day of July, 20<sup>04</sup>

  
Clerk of the Supreme Court

## EXHIBIT 3

Arizona Corporation Commission  
Maricopa County

Lonzo Archer,  
Plaintiff,

v.

Defendant.

CASE # 1001247

SBA App # 1001247

**NOTICE OF RECEIPT OF  
COMPLETE APPLICATION**

NOTICE IS HEREBY given by THE STATE BAR OF ARIZONA that it has received the verified application and fee from Michael Kalmus.

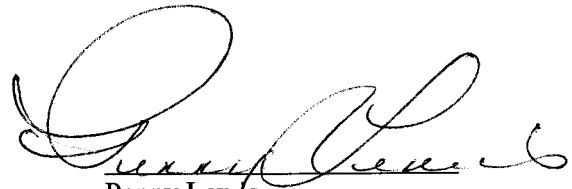
In addition to this application, applicant has made the following applications to appear pro hac vice, pursuant to Rule 33 (d), within the previous three (3) years:

Title of Matter	Court/Agency	Date	Granted?	
			<input type="checkbox"/> yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no
			<input type="checkbox"/> yes	<input type="checkbox"/> no

Exhibit A, the original verified application and Exhibit B, the original Certificate(s) of Good Standing are attached hereto.

Pursuant to Rule 33(d) 3(b), a copy of each order granting or denying the motion as entered by the court, board or administrative agency shall be mailed by local counsel to the State Bar of Arizona attention Membership Records.

DATED this 30th day of July, 2004



Penny Lewis  
Resource Center  
State Bar of Arizona

Original Mailed on  
This 30th day of July, 2004 to:  
Anthony Bingham  
1423 S Higley Rd Building 4 Suite 110  
Mesa, AZ 85206

1 BEFORE THE ARIZONA CORPORATION COMMISSION

2  
3 In the Matter of )  
4 LONZO ARCHER )  
5 1512 Plymouth Road )  
6 North Brunswick, NJ 08902 )  
7 Respondent. )

Docket No. S-3557A-04-0000

ORDER RE:  
PRO HAC VICE ADMISSION OF  
MICHAEL KALMUS

8 Based upon the Motion for Admission Pro Hac Vice of Michael Kalmus and the consent  
9 to appear as local counsel by Anthony Bingham, it is hereby ordered that Michael Kalmus be  
10 admitted pro hac vice as counsel for Lonzo Archer in the above entitled matter.

11 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2004  
12  
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15 \_\_\_\_\_  
16 MARC E. STERN  
17 ADMINISTRATIVE LAW JUDGE  
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AZ CORP COMMISSION  
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Phoenix, AZ 85007

5 A copy of the foregoing was hand-delivered  
6 this 9/1 day of August, 2004 to:

7 Michelle M. Allen, Esq.  
8 Arizona Corporation Commission  
9 Securities Division,  
1300 West Washington Street, Third Floor  
Phoenix, Arizona 85007

10 Honorable Marc E. Stern  
11 Administrative Law Judge  
12 1200 West Washington Street  
Phoenix, Arizona 85007

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15 Anthony B. Bingham  
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